

Notice of Allowability

Application No.

09/981,386

Examiner

Daniel Swerdlow

Applicant(s)

O'BRIEN, J. THOMAS

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and amendment filed 02 May 2006.
2. ☒ The allowed claim(s) is/are 17 and 21-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. Regarding Claim 17, Nilssen discloses a dual function handpiece (Fig. 11) that corresponds to the dual use user equipment claimed and is an integrated combination of a cellular telephone and a cordless telephone (i.e., is capable of operating in a cordless and cellular environment) (column 24, lines 15-29) and comprises: a cellular transceiver and cordless transceiver arrangement (HPT1, HPT2) that corresponds to the modulation and demodulation device claimed; a controller for switching between cordless and cellular modes (column 23, lines 44-55) in a seamless non-interrupted manner (i.e., transparent to a user) (column 25, lines 57-62) by sending a transfer code signal that corresponds to the handoff signal claimed to a base-station that corresponds to the sub base claimed (column 25, lines 45-48) based on a determination that the user is moving away from the base-station that corresponds to the sub base claimed (i.e., leaving a cordless environment and switching to the cellular scheme) (column 25, lines 63-67); whereby the dual function handpiece that corresponds to the dual use user equipment claimed automatically changes from cordless mode to cellular mode (column 25, lines 53-62), initiating communication directly with the cellular base station. However, Nilssen discloses the initial cordless call connected to the public telephone network by way of wired telephone line and so does not disclose the transfer code signal that corresponds to the handoff signal claimed causing the base-station that corresponds to the sub base claimed to cease communication with the cellular base station, as claimed. Nilssen discloses an alternative two-stage wireless embodiment (Fig. 14; column 27, lines 22-41) in which the connection from the base-station that corresponds to the sub base claimed is made via a cellular connection, but does not disclose cordless to

cellular transfer in conjunction with this embodiment. Further, Nilssen discloses maintaining the initial connection between the base-station that corresponds to the sub base claimed and the public telephone network when transferring from cordless to cellular mode, so even a combination of the embodiments would not make obvious the transfer code signal that corresponds to the handoff signal claimed causing the base-station that corresponds to the sub base claimed to cease communication with the cellular base station, as claimed.

3. US Patent 5,930,728 to Evanyk discloses a telephone that operate alternatively in cellular and cordless modes, but fails to disclose the base unit communicating in cellular mode during cordless operation of the handset and, as such, does not disclose a handoff signal causing the base unit to cease communication with the cellular base station, as claimed.

4. US Patent 6,230,008 to Garcia Pedraja et al. discloses a telephone system with a cordless handset (WT) that communicates directly with a cellular base station (BS) or via a wireless terminal station (WTS) that itself communicates with the cellular base station (Fig. 3; column 3, lines 42-59). However, while Garcia Pedraja discloses disabling the wireless terminal station when the handset communicates directly with the cellular base station, there is no disclosure of a handoff between the two modes of operation.

5. As such, the prior art neither anticipates nor makes obvious the claimed invention and Claim 17 is allowable.

6. Claims 21 through 24 are allowable due to dependence from Claim 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow
Primary Examiner
Art Unit 2615

ds
10 July 2006